

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

In re:)	
)	Chapter 7, No. 23-40709-CJP
WESTBOROUGH SPE LLC)	
)	
Debtor)	
)	

**TRUSTEE'S OBJECTION TO MOTION FOR RELIEF FROM
AUTOMATIC STAY (DOCKET #122)**

NOW comes JONATHAN R. GOLDSMITH, the duly appointed, qualified and acting Trustee ("Trustee") in the above-captioned case, and respectfully Objects to the Motion for Relief from Stay ("Motion") (Docket #122) filed by Lolonyon Akouete. In support of this Objection, the Trustee responds to each and every numbered paragraph of the Motion as follows:

1. **Background and Justification for Relief.** The Trustee admits that on October 11, 2023, an Order for Relief under Chapter 7 of the Bankruptcy Code was entered regarding Westborough SPE LLC ("Debtor") and that the Trustee was subsequently appointed as Chapter 7 Trustee. The Trustee further admits that Lolonyon Akouete ("Akouete") filed a proof of claim in the case, but the Trustee does not acknowledge that Akouete is a valid creditor of the Bankruptcy Estate or, even if he is deemed a creditor, is owed the amount alleged in his proof of claim.

2. **Nature of the Dispute.** The Trustee does admit that he has previously indicated to the Court that he is of the opinion (based upon information garnered to date), that there will likely be sufficient funds to pay all **allowed** claims of the Bankruptcy Estate. That being said, the Trustee believes that there are grounds to object to certain proofs of claims filed in the case, including the proof of claim filed by Akouete. These objections will be filed at a time the Trustee deems appropriate and will be litigated in compliance with the procedures of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules of the United States Bankruptcy Court for the District of Massachusetts.

3. **Request for Relief from Stay.**

- a) **Substantial Asset Base.** Based upon information obtained to date, the Trustee believes that there will likely be sufficient funds in this Bankruptcy Estate to pay all **allowed** claims but denies that this is a basis under 11 U.S.C. §362(d) to grant Akouete relief from stay.
- b) **Equity Among Creditors.** The Trustee vehemently denies the allegation that he is granting some sort of preferential treatment towards certain parties. The Trustee has and continues to adhere to his fiduciary responsibilities as a Chapter 7 Trustee.
- c) **Precedent in Similar Cases.** The Trustee can neither admit nor deny the allegations asserted by Akouete in this section of the Motion.

4. **Threats and Coercion by Trustee.** The Trustee vehemently denies the allegations set forth in this paragraph of Akouete's Motion. To the contrary, Akouete has filed voluminous, threatening, defamatory and baseless pleadings and other communications in this case in an apparent effort to try and force the Trustee to capitulate to Akouete's unjustifiable self-serving demands.

5. **Legal and Equitable Grounds for Relief.** The Trustee denies so much of the allegations in this paragraph of the Motion that suggests that granting the requested relief is in the best interest of justice and equity.

6. **Conclusion and Request for Relief.** The Trustee denies that relief should be granted.

WHEREFORE, the Trustee respectfully requests that:

- (i) the Motion be denied;
- (ii) the Trustee be awarded his attorney fees and expenses for defending this frivolous Motion; and

(iii) for such other relief that is just and proper.

JONATHAN R. GOLDSMITH, TRUSTEE IN
BANKRUPTCY FOR WESTBOROUGH SPE
LLC

Dated: 5/2/24

By: /s/ Jonathan R. Goldsmith, Esq.
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